

# **PUBLIC SANCTIONS**

**FY 2012**

The following are public sanctions (reproduced in their entirety) which were issued by the Commission during fiscal year 2012. The public records for these cases are available for inspection at the Commission's offices located at 300 W. 15<sup>th</sup> Street, Suite 415, Austin, Texas.

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## **BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 10-1018-JP**

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### **PUBLIC ADMONITION**

**HONORABLE JEFF COX  
JUSTICE OF THE PEACE, PRECINCT 1  
HEMPHILL, SABINE COUNTY, TEXAS**

During its meeting on August 18, 2011, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jeff Cox, Justice of the Peace, Precinct 1, Hemphill, Sabine County, Texas. Judge Cox was advised by letter of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

## **FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Jeff Cox was Justice of the Peace for Precinct 1 in Hemphill, Sabine County, Texas.
2. On November 24, 2009, Texas Park and Wildlife Game Warden Randy Button (“Button”) cited Nathan Ener (“Ener”) for failing to complete the harvest log on the back of his hunting license after killing a buck white-tail deer.
3. On November 25, 2009, Judge Cox and Button met outside the judge’s house to discuss the Ener citation.
4. Without the judge’s knowledge, Button recorded their conversation using his truck’s dash cam and a lapel microphone.
5. Based on the recording provided to the Commission, the following discussion occurred outside the judge’s home:
  - a Judge Cox and Button exchanged pleasantries and discussed Button’s struggles with a local automobile dealer;
  - b Judge Cox then initiated a conversation about the citation by asking Button to “tell me about your deal with Ener;”
  - c After Button discussed the circumstances leading to the issuance of the citation, Judge Cox informed Button that he was going to dismiss the citation to avoid a potential official oppression lawsuit from being filed against Button and other county officials by Ener;
  - d Judge Cox went on to explain that Ener and others wanted to “stir up stuff” about the Sheriff, and that the citation issued by Button “will open up a shit storm.”
  - e Judge Cox informed Button that he had learned of Ener’s plans through private conversations with Ener;
  - f Judge Cox advised Button that the dismissal would prevent Ener from “muddy[ing] your [Button’s] name for bullshit;” and
  - g Judge Cox told Button, “a \$160 ticket ain’t worth that.”
6. On or about December 8, 2009, Ener appeared in Judge Cox’s court, entered a plea of not guilty, and requested a bench trial. Thereafter, Ener filed motions to obtain discovery from the State, as well as a motion to dismiss.
7. On March 4, 2010, Judge Cox granted Ener’s motion and dismissed the case against Ener with prejudice. There is no evidence that the prosecutor was involved in this process.
8. In his written responses to the Commission’s inquiry, Judge Cox acknowledged having the conversation with Button about the Ener citation, stating that, “I was off work and thought I was visiting with a friend.” Judge Cox added that he did not know he was being recorded by Button and did not believe he was performing any official duties at the time.

9. Judge Cox explained that he told Button the citation had no merit and would only serve as a catalyst for Ener to make trouble for the county.
10. Judge Cox admitted that he unilaterally dismissed the citation against Ener, and that the prosecutor played no part in the process.
11. Judge Cox stated that his decision was based on his belief that “justice would be served” by dismissing the citation.
12. The November 25, 2009 meeting and conversation between Judge Cox and Button gained local media attention.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.”
3. Canon 6C(2) of the Texas Code of Judicial Conduct states, in pertinent part, that a judge, “except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.”
4. Article V, §1-a(6)A of the Texas Constitution states in pertinent part that a judge may be disciplined for “willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”

### **CONCLUSION**

The Commission concludes from the facts and evidence presented that Judge Cox failed to comply with the law by unilaterally dismissing a criminal case without the consent of the State and was swayed to dismiss the criminal case based on improper *ex parte* communications with the defendant and the fear of a potential lawsuit. This conduct was clearly inconsistent with the proper performance of the judge’s duties and cast public discredit upon the judiciary and the administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution. The Commission concludes that Judge Cox’s conduct, as described herein, constituted willful or persistent violations of Canons 2A, 3B(2) and 6C(2) of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated Canons 2A, 3B(2) and 6C(2) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable Jeff Cox, Justice of the Peace, Precinct 1, Hemphill, Sabine County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this 8th day of September, 2011.

**ORIGINAL SIGNED BY**

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Honorable Jorge C. Rangel, Chair  
State Commission on Judicial Conduct



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 09-1028-JP**

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**PUBLIC ADMONITION**

**HONORABLE J. KENT ADAMS  
JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1  
SPRING, HARRIS COUNTY, TEXAS**

During its meeting on October 13, 2011, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable J. Kent Adams, Justice of the Peace, Precinct 4, Place 1, Spring, Harris County, Texas. Judge Adams

was advised by letter of the Commission's concerns and provided a written response. Judge Adams appeared with counsel before the Commission on August 13, 2010, and gave testimony. The Commission tabled the matter pending further investigation. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable J. Kent Adams was Justice of the Peace for Precinct 4, Place 1, in Spring, Harris County, Texas.
2. Mary K. Martin ("Martin") had a 17-year old son who was charged with Failure to Attend School.
3. On or about June 26, 2009, Martin appeared in Judge Adams' court on the charge of Parent Contributing to Nonattendance.
4. According to Martin, she observed Judge Adams use unprofessional and offensive comments toward defendants and their parents in court.
5. Martin also observed that Judge Adams asked only the Hispanic parents and their children whether they were born in Mexico, if they were United States citizens, and why they had not learned English.
6. In his testimony before the Commission, Judge Adams acknowledged that he had used a term that is considered by many to be vulgar. Judge Adams stated that he was unaware until he received the complaint that the term was vulgar, but he has stopped using the term in court.
7. Judge Adams also acknowledged that he has asked the parents of certain students if their child was born in the United States. According to the judge, if the parents respond, "no," and confirm their status as illegal immigrants, he contacts Immigration and Customs Enforcement.
8. Judge Adams confirmed that he does not ask the question in order to ascertain the need for a translator.
9. Judge Adams also confirmed that he does not ask the question of non-Hispanic parents or students.

### **RELEVANT STANDARDS**

1. Canon 3B(4) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall be patient, dignified and courteous to litigants,...and others with whom the judge deals in an official capacity..."
2. Canon 3B(5) of the Texas Code of Judicial Conduct states that "A judge shall perform judicial duties without bias or prejudice."
3. Canon 3B(6) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall not, in the performance of judicial duties, by words or conduct

manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, natural origin, disability, age sexual orientation or socioeconomic status...”

### CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Adams’ use of a vulgar term while interacting with litigants in court constituted undignified and discourteous treatment of those litigants. Additionally, his gratuitous inquiry into immigration matters for purposes unrelated to the matters pending in his court, combined with the fact that he singled out Hispanic parents and their children for questioning about their immigration status, manifested bias or prejudice on the basis of natural origin, race, and socioeconomic status. When deciding the truancy matters pending before him, Judge Adams is required to ensure and demonstrate that he is impartial, fair and neutral, and that his decisions and actions are not influenced by a particular defendant’s immigration status. The Commission concludes that Judge Adams’ conduct in this matter constituted willful violations of Canons 3B(4), 3B(5) and 3B(6) of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canons 3B(4), 3B(5) and 3B(6) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable J. Kent Adams, Justice of the Peace, Precinct 4, Place 1, Spring, Harris County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this 20<sup>th</sup> day of October, 2011.

### ORIGINAL SIGNED BY

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Honorable Jorge C. Rangel, Chair  
State Commission on Judicial Conduct





## **BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 12-0048-JP**

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### **PUBLIC ADMONITION**

#### **HONORABLE BOBBY R. NICHOLDS JUSTICE OF THE PEACE, PRECINCT 3 TRINITY, TRINITY COUNTY, TEXAS**

During its meeting on December 7-8, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bobby R. Nicholds, Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas. Judge Nicholds was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

#### **FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Bobby R. Nicholds was Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas.
2. On or about April 22, 2011, a defendant was arrested following a grand jury indictment charging her with one count of burglary of a habitation.
3. Following the arrest, Justice of the Peace Bernie Beard magistrates the defendant and set bond at \$50,000.00 (hereinafter the "first bond").
4. While out on bond, the defendant was indicted on three separate counts of burglary of a habitation.
5. On June 7, 2011, Judge Beard magistrates the defendant on the new burglary charges and set an additional bond of \$35,000.00 (hereinafter the "second bond").
6. At the time of the arrests, Judge Nicholds was living with the defendant's mother.
7. After the second bond was set, Judge Nicholds immediately telephoned Judge Beard to express his opinion that an additional bond should not have been set and that the defendant should have been released from custody under the first bond.

8. When the defendant was placed in a patrol car, Judge Nicholds approached the vehicle to speak to the deputy constables before they transported her to the county jail.
9. During the conversation, Judge Nicholds made several comments indicating that he was a “good friend” of the defendant’s mother; that the defendant’s mother lived with him; and that the defendant’s mother could not afford to post a second bond.
10. Judge Nicholds repeatedly expressed his dissatisfaction that a second bond had been set, and stated (referring to Judge Beard): “I’m going to try to get that man’s job. That’s what I’m going to do. He’s just picking on people . . . Damn Bastard.”
11. Judge Nicholds also told the deputies that he thought the constable’s office was “picking on” the defendant.
12. The entire conversation was recorded on the patrol car’s dash-cam video.
13. Shortly thereafter, Judge Nicholds contacted the district attorney who was prosecuting the defendant’s case. In that conversation, Judge Nicholds expressed frustration that Judge Beard had set an additional bond in the case, and stated his opinion that the defendant should have been released on the first bond.
14. Judge Nicholds subsequently spoke with the district judge in whose court the defendant’s cases were pending, and again expressed his opinion that Judge Beard should not have set a second bond in the case.
15. Thereafter, the district judge, upon agreement with the district attorney, discharged the second bond, and released the defendant from custody under the first bond.
16. Shortly after the defendant was released, a deputy constable observed what he believed to be suspicious activities at an apartment that the defendant shared with her boyfriend, and reported his suspicions to the defendant’s landlord.
17. When Judge Nicholds learned about the deputy’s report, he contacted the landlord and advised him that he believed the defendant was not doing anything “wrong” and that “everything was okay” at the apartment.
18. Judge Nicholds also spoke with the deputy constable who made the report and accused him of harassing the defendant.
19. Shortly thereafter, Judge Nicholds contacted the constable’s office and spoke with a constable about the deputy’s report. During the conversation, which the constable recorded, Judge Nicholds informed him that the defendant’s mother was his “good friend,” and that, in his opinion, the defendant was “not doing anything wrong.”
20. Judge Nicholds also advised the constable that he had already spoken to the defendant’s landlord about the situation, explaining that he did not want the defendant to “lose her place.”

21. Throughout the conversation, Judge Nicholds accused the constable's office of "harassing" and "picking on" the defendant, and complained that the constable's deputies "ke[pt] going by" the defendant's apartment.
22. Judge Nicholds also repeatedly requested that the constable's office leave the defendant and him alone.
23. Judge Nicholds assured the constable that he was not trying to tell him "how to do his job," but stated that he would "protect anybody" that he believed the constable's office was harassing.

### **RELEVANT STANDARD**

Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."

### **CONCLUSION**

The Commission concludes based on the facts and evidence before it that Judge Nicholds allowed his relationship with a criminal defendant and her mother to influence his conduct and judgment, causing him to repeatedly intercede in a pending criminal matter on behalf of the defendant. The judge's activities on behalf of the defendant lent the prestige of his judicial office to advance her and her mother's private interests, particularly when he (1) contacted the prosecutor and the district judge in an attempt to influence them to discharge the second bond and to release her from custody on her first bond; and (2) attempted to influence law enforcement officials to curtail any investigation into possible on-going criminal activities by the defendant. The Commission concludes that Judge Nicholds' conduct in this matter constituted willful and/or persistent violations of Canon 2B of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canon 2B of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Bobby R. Nicholds, Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect the public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 3<sup>rd</sup> day of January, 2012.

**ORIGINAL SIGNED BY**

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Tom Cunningham, Chair  
State Commission on Judicial Conduct

**JUDGE HAS APPEALED  
SANCTION BELOW TO  
SPECIAL COURT OF REVIEW  
APPOINTED BY TEXAS  
SUPREME COURT ON 04/16/12**



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC Nos. 11-0141-JP and 11-0514-JP**

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**PUBLIC ADMONITION**

**HONORABLE J. KENT ADAMS  
JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1  
SPRING, HARRIS COUNTY, TEXAS**

During its meeting on February 16, 2012, the State Commission on Judicial Conduct concluded its review of the allegations against the Honorable J. Kent Adams, Justice of the Peace, Precinct 4, Place 1, Spring, Harris County, Texas. Judge Adams was advised by letter of the Commission's concerns and provided a written response. Judge Adams appeared before the Commission, with counsel, on February 16, 2012, and

provided testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable J. Kent Adams was Justice of the Peace for Precinct 4, Place 1 in Spring, Harris County, Texas.

### **CJC No. 11-0141-JP**

2. Attorney Henry Nguyen (“Nguyen”) was hired to represent Drew Zardeneta, who had been cited for Disorderly Conduct. The case was filed in Judge Adams’ court.
3. In preparation for trial, Nguyen filed subpoenas and subpoenas *duces tecum* seeking various school records. The prosecutor filed motions to quash the subpoenas and requested a hearing.
4. On December 9, 2009, Nguyen and prosecutor Kristin Brown (“Brown”) were escorted to Judge Adams’ chambers, where the judge convened the hearing.
5. After Brown presented arguments in favor of quashing the subpoenas, Nguyen attempted to explain why he needed the records from the school, but was interrupted by the judge.
6. As the conversation between Judge Adams and Nguyen became more contentious, Judge Adams became impatient with Nguyen and used an expletive to express his frustration.
7. According to Nguyen, Judge Adams called him “boy” and told him that “those records are none of your goddamn business.”
8. Nguyen also reported that Judge Adams referred to Nguyen’s client as a “little brat nosed, punk ass kid with a foul mouth and bad attitude” and further remarked that the “Kid has money to go and hire an attorney to file all of these motions and asking for this and that.”
9. Judge Adams disputes Nguyen’s version of events, but acknowledges using the expletive “goddamn” in the course of this heated conversation.
10. Believing that Judge Adams would not be fair and impartial while presiding over his client’s case following this exchange, Nguyen filed a Motion to Recuse the judge. Nguyen attached an affidavit to the motion reciting the above facts in support thereof.
11. According to Nguyen, after Judge Adams received the Motion to Recuse, the judge contacted Brown’s supervisor, Johanna Craft (“Craft”), and had her relay a message to Nguyen that the judge wanted an apology.
12. Nguyen advised Craft that he would not be apologizing for stating the truth in his affidavit.

13. Nguyen was later contacted by Rich Schmidt, Judge Adams' head clerk, who advised Nguyen that if he filed a "plain vanilla" motion to recuse, Judge Adams would sign it and recuse from the case. Nguyen agreed to this offer.
14. On February 9, 2010, Nguyen filed what he believed to be the "plain vanilla" motion requested by the judge; however, although the motion was entitled "Amended Motion to Recuse," and contained no affidavit, it contained essentially the same allegations of bias as he had previously filed.
15. Shortly thereafter, Craft contacted Nguyen and advised him that Judge Adams was not willing to sign the "plain vanilla" motion to recuse.
16. According to Nguyen, Craft also told him that Judge Adams had called Brown into his office in an unsuccessful attempt to persuade her to sign an affidavit stating that the allegations in Nguyen's affidavit were false. This was later confirmed to Nguyen by Brown. Judge Adams was also unsuccessful in his attempt to persuade Craft to file perjury charges against Nguyen.
17. Judge Adams eventually forwarded the Motion to Recuse to the presiding administrative judge, and shortly thereafter, on May 13, 2010, that judge conducted a hearing on the matter.
18. Following the hearing, Judge Adams was recused from the case, which was then assigned to another court.

**CJC No. 11-0514-JP**

19. On February 1, 2011, Carol Knudson's ("Knudson") and her 13-year old son appeared in Judge Adams' court after her son was charged with Disrupting School Transportation.
20. According to Knudson, while waiting for her son's case to be called, she observed Judge Adams exhibiting poor judicial demeanor towards certain defendants and their parents in court.
21. Specifically, Knudson claimed that Judge Adams:
  - a. told a defendant that he would "throw his twat in jail;"
  - b. asked an African-American parent "if she was on welfare and expected the government to pay her fine;"
  - c. asked a Hispanic parent "if she had 6 or 7 kids;"
  - d. told a Pakistani parent that her son should be "stoned to death."
22. Knudson went on to describe how Judge Adams yelled at her son because his hair was long and fell over his eye.
23. Knudson stated that the experience in Judge Adams' court was so traumatic that she decided to pay her son's fine rather than have to appear again in front of this judge.

24. In his testimony before the Commission, Judge Adams stated that he did not recall using the word “twat,” but if he did, it slipped out inadvertently. The judge added that he had only recently learned that the term was offensive.
25. The judge acknowledged having discussions with the African-American, Hispanic, and Pakistani parents identified by Knudson, but attempted to place his statements in context.
26. Judge Adams went on to surmise that Knudson may have misunderstood that there would have been valid reasons for a judge to have made these inquiries and comments in connection with the facts and evidence before him at the time.
27. For example, with regard to the Pakistani parent, Judge Adams explained that he had been advised in previous court appearances involving this defendant that the parents wanted to send their son to Pakistan to live with an uncle. At the February 1<sup>st</sup> court appearance, Judge Adams reminded the defendant that he was fortunate to be living in the United States rather than Pakistan, where being stoned to death is a punishment for certain criminal behaviors.
28. According to the judge, the inquiry of the African-American parent was to determine if she was indigent, and the question posed to the Hispanic parent was to determine if she qualified for special services at MHMR.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states that “[a] judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part, that “[a] judge shall maintain professional competence in [the law.]”
3. Canon 3B(4) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity...”
4. Canon 3B(5) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall perform judicial duties without bias or prejudice.”
5. Article V, §1-a(6)A of the Texas Constitution states, in part, that a judge may be disciplined for “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”

### **CONCLUSION**

Regarding CJC No. 11-0141-JP, the Commission concludes from the facts and evidence presented that Judge Adams failed to comply with the law and demonstrated a lack of professional competence in the law by failing to promptly forward the Motion to Recuse to the presiding administrative judge for resolution. While Nguyen’s allegations

of bias may have offended the judge, who disputed the events described in Nguyen's affidavit, the judge's attempts to negotiate the contents of the motion with Nguyen, coupled with his efforts to have Nguyen prosecuted for perjury, created such a perception of bias and partiality as to warrant Judge Adams' recusal. In addition, the judge acknowledged being angry and impatient with Nguyen, and using an expletive during a hearing to express his frustration with Nguyen, demonstrating a lack of patience, dignity and courtesy expected of a judicial officer. The Commission concludes that Judge Adams' conduct, as described herein, constituted willful or persistent violations of Canons 2A, 3B(2), 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution.

Regarding CJC No. 11-0514-JP, the Commission concludes from the facts and evidence presented that Judge Adams demonstrated a lack of patience, dignity and courtesy expected of a judicial officer when interacting and communicating with certain defendants and their parents in court, and that some of the discussions were perceived by litigants to have demonstrated bias and prejudice on the part of the judge. The Commission concludes that Judge Adams' conduct, as described herein, constituted willful or persistent violations of Canons 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated 2A, 3B(2), 3B(4), and 3B(5) and of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable J. Kent Adams, Justice of the Peace, Precinct 4, Place 1, Spring, Harris County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this 28<sup>th</sup> day of March, 2012.

**ORIGINAL SIGNED BY**

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Tom Cunningham, Chair  
State Commission on Judicial Conduct





**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 11-0574-JP**

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**PUBLIC REPRIMAND  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE RONALD KEITH BILLINGSLEY  
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1  
JASPER, JASPER COUNTY, TEXAS**

During its meeting on June 13-15, 2012, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Ronald Keith Billingsley, Justice of the Peace for Precinct 1, Place 1, Jasper, Jasper County, Texas. Judge Billingsley was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

**FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Ronald Keith Billingsley was Justice of the Peace for Precinct 1, Place 1, Jasper, Jasper County, Texas.
2. On or about November 23, 2010, Molly Dean Duncan (hereafter, "Duncan") was cited for Parent Contributing to Non-Attendance, and was summoned to appear in Judge Billingsley's court on December 15, 2010.
3. When Duncan appeared, she entered a plea of no contest and was assessed a fine of \$200, together with court costs in the amount of \$87.00; however, the fine was suspended on the condition that her child complete the school year with no further unexcused absences.
4. Duncan needed additional time to pay her court costs; therefore, she entered into a "payment agreement" promising to pay the court costs on or before January 3, 2011.

5. The "Scheduled Payment Agreement" contained a "notice to defendant" stating that if the defendant failed to make a payment, he or she would be required to appear in court, and if the defendant did not appear, a warrant would be issued for the defendant's arrest, and charges of "failure to appear" would be filed against the defendant.
6. Due to financial problems, Duncan was unable to pay the court costs on or before the January 3, 2011 deadline.
7. On or about January 6, 2011, Duncan appeared at the courthouse to try to explain her situation to Judge Billingsley, and to ask if she could make a partial payment of \$20.00.
8. According to Duncan, Judge Billingsley and his court clerk were very rude and hostile toward her when she told them she did not have all of the money and asked to make a partial payment.
9. Judge Billingsley's court clerk did give Duncan another week, until January 13, 2011, to pay, but warned Duncan that a warrant would be issued and she would go to jail if she did not pay.
10. Duncan failed to pay the court costs by the January 13, 2011 deadline.
11. On January 31, 2011, Judge Billingsley issued a *capias pro fine* warrant for Duncan's arrest.
12. On or about February 4, 2011, Duncan purchased a money order for the total amount of court costs, and left the money in the court's drop box.
13. On or about February 7, 2011, the court mailed the money order back to Duncan, advising her by letter that because she "did not pay as agreed, and ordered by the court, warrants have been issued for your arrest," and that she now needed to pay \$337.00 - \$287.00 in fines and court costs, and \$50.00 in warrant fees - "to clear [her] case."
14. According to Duncan, Judge Billingsley and his court clerk were again rude and hostile toward her when she contacted the court in response to the letter notifying her that warrants had been issued for her arrest.
15. On February 20, 2011, Duncan was arrested and jailed on the warrant that Judge Billingsley issued on January 31, 2011.
16. In his written response to the Commission's inquiry, Judge Billingsley acknowledged that he failed to issue a written deferred disposition order, a final written judgment, or a "Show Cause" notice in the case against Duncan.
17. Judge Billingsley also acknowledged that he never held a "Show Cause" hearing, nor did he inquire into Duncan's ability to pay the fine or court costs through an indigency hearing, before imposing the previously suspended \$200.00 fine against Duncan and issuing the *capias pro fine* warrant.

## RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge shall comply with the law at all times . . ."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge should be faithful to the law and shall maintain professional competence in it."
3. Canons 3B(4) of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge shall be patient, dignified and courteous to litigant, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity..."

## CONCLUSION

The Commission concludes based on the facts and evidence presented that Judge Billingsley failed to comply with the law and failed to demonstrate professional competence in the law by issuing a *capias pro fine* warrant that resulted in Duncan's arrest and incarceration without first: (1) issuing a written deferred disposition order against Duncan as required by law; (2) issuing a written final judgment in the case as required by law; (3) providing Duncan notice and an opportunity to appear at a "Show Cause" hearing to determine if Duncan had failed to comply with the terms of a court order; and (4) providing Duncan with an indigency hearing to determine if she had the financial ability to pay the fine and court costs. The judge also failed to treat Duncan in a patient, dignified and courteous manner in his interactions with her concerning payment of the court costs. The Commission concludes that Judge Billingsley's conduct, as described herein, constituted willful violations of Canons 2A, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct.

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In condemnation of the conduct that violates Canons 2B, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct recited above, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Ronald Keith Billingsley, Justice of the Peace for Precinct 1, Place 1, in Jasper, Jasper County, Texas.

Pursuant to this Order, Judge Billingsley must obtain **four (4) hours** of instruction with a mentor, in addition to his required judicial education. In particular, the Commission desires that Judge Billingsley receive this additional education in the area of the proper handling of truancy cases, deferred disposition, *capias pro fine* warrants, and indigence.

Judge Billingsley shall complete the additional **four (4) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Billingsley's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **four (4) hours** of instruction described herein, Judge Billingsley shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 3<sup>rd</sup> day of August, 2012.

A handwritten signature in black ink that reads "Tom Alan Cunningham". The signature is written in a cursive, flowing style.

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Tom Cunningham, Chair  
State Commission on Judicial Conduct



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 11-0804-JP**

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**PUBLIC WARNING**

**HONORABLE ESEQUIEL ("CHEQUE") DE LA PAZ  
JUSTICE OF THE PEACE, PRECINCT 4  
KINGSVILLE, KLEBERG COUNTY, TEXAS**

During its meeting on June 13-15, 2012, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Esequiel ("Cheque") De La Paz, Justice of the Peace for Precinct 4, Kingsville, Kleberg County, Texas. Judge De La Paz was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

**FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Esequiel ("Cheque") De La Paz, was Justice of the Peace for Precinct 4, Kingsville, Kleberg County, Texas.
2. Until February of 2011, Raymond Tejeda ("Tejeda") lived in a mobile home owned by his employer, Allen Mittag ("Mittag"), as a benefit of his employment.
3. On or about February 16, 2011, Mittag fired Tejeda and told him to vacate the mobile home within 24 hours.
4. When Tejeda asked for more time to pack his belongings, Mittag went to the local Justice of the Peace office for assistance.
5. After Mittag explained the situation to Judge De La Paz, the judge determined that the mobile home was located in his precinct and agreed to help resolve the matter.
6. According to Judge De La Paz, Mittag was not required to file an eviction proceeding against Tejeda because "there was no lease..." and Mittag's firing of Tejeda entitled him to immediate possession of the property.

7. Instead, Judge De La Paz and Mittag drove to the mobile home in the judge's vehicle to discuss the situation with Tejeda.
8. During the encounter, according to Tejeda and witnesses, Judge De La Paz yelled at him, made threats that he would "lose all [his] things," and "made a scene."
9. In his written responses to the Commission's inquiries, Judge De La Paz denied engaging in any threatening conduct and denied yelling at Tejeda.
10. Judge De La Paz did acknowledge that he told Tejeda to leave the premises immediately since he was no longer employed by Mittag and because the parties had no lease agreement.
11. Judge De La Paz added that while he did not know Mittag very well, he had known Tejeda and his family "personally for many years." Because of this relationship, the judge believed that he could resolve the problem by "speak[ing] to [Tejeda] and explain[ing] why he needed to leave the property."
12. Tejeda moved out of the mobile home shortly thereafter.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: "A judge shall comply with the law,..."
2. Canon 2B of the Texas Code of Judicial Conduct provides, in relevant part: "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others."
3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge should be faithful to the law and shall maintain professional competence in it."

### **CONCLUSION**

The Commission concludes based on the facts and evidence before it that Judge De La Paz failed to comply with the law and demonstrated a lack of professional competence in the law by intervening in a landlord-tenant dispute when no case was pending in his court, and by asserting that there was no need for Mittag to file an eviction action in the absence of a written lease agreement. Moreover, Judge De La Paz lent the prestige of his judicial office to advance the private interests of Mittag, who, as a result of the judge's involvement, was able to summarily evict Tejeda from his mobile home without having to comply with notice and other requirements of the Texas Property Code, and without having to pay filing fees and other costs related to an eviction proceeding.

The Commission concludes that Judge De La Paz's conduct as described above constituted a willful violation of Canons 2A, 2B and 3B(2) of the Texas Code of Judicial Conduct. In reaching this decision, the Commission took into account a prior sanction issued against Judge De La Paz for similar conduct as an aggravating factor.

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In condemnation of the conduct described above that violated Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to Judge Esequiel ("Cheque") De La Paz, Justice of the Peace, Precinct 4, Kingsville, Kleberg County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC WARNING** by the Commission.

The Commission has taken this action in a continuing effort to protect the public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 3<sup>rd</sup> day of August, 2012.

A handwritten signature in cursive script that reads "Tom Alan Cunningham".

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Tom Cunningham, Chair  
State Commission on Judicial Conduct



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 12-0452-AP**

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**PUBLIC REPRIMAND**

**HONORABLE JAMES ("JIM") PATRICK SHARP, JR.  
JUSTICE, FIRST COURT OF APPEALS  
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on August 15-17, 2012, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable James ("Jim") Patrick Sharp, Jr., Justice on the First Court of Appeals in Houston, Harris County, Texas. Justice Sharp was advised by letter of the Commission's concerns and provided written responses. Justice Sharp appeared with counsel before the Commission on August 15, 2012, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

**FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable James ("Jim") Patrick Sharp, Jr. was a Justice on the First Court of Appeals in Houston, Harris County, Texas.
2. On January 17, 2012, at approximately 8:00 p.m., Justice Sharp received a telephone call from a family friend informing him that her 15-year-old daughter had been arrested for shoplifting at a department store in Brazoria County.
3. The friend informed Justice Sharp that her daughter had been taken to the Brazoria County Juvenile Detention Center (hereinafter "Juvenile Detention"). She further informed Justice Sharp that Juvenile Detention staff had advised her that pursuant to standard policy, her daughter would not be released until the following morning.
4. The friend asked Justice Sharp for assistance in securing her daughter's early release from Juvenile Detention so that she would not be required to spend the night at the facility.

5. Following the request for assistance, Justice Sharp made several telephone calls to Juvenile Detention. He spoke to two officers on duty, as well as to the Assistant Director of the Brazoria County Juvenile Probation Department. All of the telephone calls were documented in written incident reports and sworn statements made by these individuals.
6. During all of the calls, Justice Sharp identified himself as a Justice of the First Court of Appeals; he stated that he was calling on behalf of his friend's daughter (hereinafter the "juvenile"); and he sought information on how to secure the juvenile's early release from Juvenile Detention.
7. During all of the calls, Justice Sharp was advised that Brazoria County had a policy that required the juvenile to remain in Juvenile Detention until the following morning, at which time a judge would magistrate her and/or review her case.
8. Not satisfied with the response he had been given, Justice Sharp repeatedly and persistently asked Juvenile Detention staff what could be done to secure the juvenile's early release, and offered to drive to the facility to magistrate and/or "sign orders to release" the juvenile that night.
9. During his conversation with the Assistant Director, Justice Sharp referred to the possibility of Brazoria County being sued for failing to release the juvenile that night, stating: "[Y]our county is going to be sued for hundreds of thousands of dollars for this. You'll have picked the wrong little girl that has friends in high places to mess with."
10. Justice Sharp also stated to the Assistant Director, "Well, I can tell you this, things are about to change in Brazoria County. You guys are a bunch of back woods hillbillies that use screwed up methods in dealing with children and I can promise you this, things are about to change in Brazoria County."
11. At approximately 10:00 p.m. that night, Justice Sharp telephoned a local District Judge and left a voicemail message advising the judge that a friend's daughter was being detained in Juvenile Detention, and that he hoped the judge would "make a call" to release her.
12. Justice Sharp also sent a text message to the District Judge asking if he would call Juvenile Detention to help "get [the juvenile] released tonight."
13. At approximately 10:30 p.m. that night, Justice Sharp telephoned a Brazoria County Commissioner and left a voicemail message identifying himself as "Justice Jim Sharp in Houston," and advising the Commissioner that his friend's daughter had been arrested for shoplifting and was being held in Juvenile Detention.
14. In his voicemail message, Justice Sharp asked the Commissioner, "What can we do to get that girl out tonight?" Justice Sharp further expressed his opinion there was "no sense" in having the juvenile spend the night in jail, and that, "I need your help. You will probably know who to call to make the keys go open."

15. At approximately 11:47 p.m. that night, Justice Sharp sent a text message to the Commissioner, stating as follows: "If I were Brazoria Co. commissioner, I'd be on [the] look out for some serious lawsuits arising from your juvie [sic] facilities. . . You don't release 15 yrs olds accused of simple shoplifting (bra and jeans) to their parents on the request of an Appeals Ct Justice? Serious problems there, Dude. Call me pronto, please. Justice Jim Sharp."
16. In voicemail and text messages to the District Judge and the County Commissioner, Justice Sharp made the following statements concerning a Juvenile Detention officer, who Justice Sharp accused of being "rude" to him:
  - a. The officer was the "most arrogant little prick [he] had ever talked to in [his] life," and that if he had met with the officer "in person," the officer would have known that he "had visited."
  - b. If he had spoken to the officer "in person," and if Justice Sharp had been in possession of a "baseball bat . . . that son of a bitch would have been cracked upside the head. Fucking little cocksucker."
  - c. "Brazoria County Juvie Folks are [not] just arrogant but ignorant. When an Appeals Court Justice calls and identifies himself and then they refer to me as 'Mr.' Sharp, it bespeaks a fundamental misunderstanding of respect and pecking order!"
  - d. "[S]ome county paycheck functionary . . . call[ing] me 'rude' also is totally unacceptable and that stupid asshole need find [a] new job that never has him communicating with appellate court justices. Had I been there personally, it would have been damn ugly for him."
17. During this same night, Justice Sharp unsuccessfully attempted to contact a former State Representative, a senior district court judge, and a local criminal defense attorney, all in an effort to secure the juvenile's early release from Juvenile Detention.
18. In his testimony before the Commission, Justice Sharp acknowledged that he was aware that Juvenile Detention staff was following Brazoria County's standard policy by not releasing the juvenile until the next morning; however, Justice Sharp stated that it was his belief that the policy was unlawful and that the juvenile was being improperly detained overnight.
19. Justice Sharp also acknowledged that he only attempted to secure the release of his friend's daughter, and that he did not inquire if other juveniles were also being detained unlawfully in Juvenile Detention that night.
20. Justice Sharp's conduct that night was reported to the Brazoria County District Attorney's Office, which shortly thereafter filed a verified motion to recuse Justice Sharp from hearing the appeals of any cases in which the District Attorney was a party. The Brazoria County District Attorney's motion to recuse was granted.
21. Following his recusal, Justice Sharp's conduct on behalf of the juvenile became the subject of local media coverage, with at least one article reporting that Justice

Sharp had been accused of trying to “use his position to skirt the law for a friend’s 15-year-old daughter who was arrested for shoplifting.”

22. The article further recounted in detail the various communications that Justice Sharp had engaged in while attempting to secure the juvenile’s early release, including the profane and vulgar language that Justice Sharp used during these communications.

### **RELEVANT STANDARDS**

1. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part, that, “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge.”
2. Canon 4A of the Texas Code of Judicial Conduct states that, “A judge shall conduct all of the judge’s extra-judicial activities so that they do not: (1) cast reasonable doubt on the judge’s capacity to act impartially as a judge; or (2) interfere with the proper performance of judicial duties.”
3. Article V, §1-a(6)A of the Texas Constitution states, in pertinent part, that a judge may be disciplined for “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”

### **CONCLUSION**

The Commission concludes based on the facts and evidence before it that Justice Sharp lent the prestige of his judicial office to advance the private interests of his friend and her daughter in willful and persistent violation of Canon 2B of the Texas Code of Judicial Conduct. Justice Sharp repeatedly contacted employees at the Brazoria County Juvenile Detention Center and identified himself as a Court of Appeals Justice in his efforts to secure the early release of the juvenile from the facility. Despite being informed that Brazoria County had a policy of not releasing juveniles until they could be seen by a magistrate judge, Justice Sharp persistently used his position and authority as an appellate judge to pressure, intimidate and/or coerce Juvenile Detention employees into giving his friend’s daughter special treatment (i.e., early release in direct contravention of the County’s policy). In addition, Justice Sharp reached out to several influential friends, colleagues, and other public officials in an attempt to enlist their assistance in his ongoing efforts to obtain favorable treatment for his friend’s daughter.

The Commission further concludes that Justice Sharp’s actions constituted willful and persistent violations of Canon 4A(1) and 4A(2) of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution. Both the Texas Constitution and the Texas Code of Judicial Conduct remind judges of the need to maintain the highest standards of conduct, both on and off the bench, and to personally observe those standards so that the public’s confidence in the integrity and independence of the

judiciary is preserved. Justice Sharp's inappropriate and unseemly extra-judicial behavior, which was extensively documented in public records and by the media, fell far below minimum standards of judicial conduct and clearly cast public discredit upon the judiciary. In addition, Justice Sharp's conduct, including his inappropriate and abusive treatment of Brazoria County employees, had the direct consequence of causing his recusal from all pending cases in which the Brazoria County Attorney's Office is a party, thereby interfering with the proper performance of his judicial duties.

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In condemnation of the conduct described above that violated Article V, §1-a(6)A of the Texas Constitution, and Canons 2B, 4A(1) and 4A(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to the Honorable James ("Jim") Patrick Sharp, Jr., Justice on the First Court of Appeals in Houston, Harris County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND** by the Commission.

The Commission has taken this action in a continuing effort to protect the public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 30<sup>th</sup> day of August, 2012.



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Tom Cunningham, Chair  
State Commission on Judicial Conduct